

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALLSTATE INSURANCE COMPANY,

Plaintiff,

v.

FREDERICK JASON FRANSHAM, Personal  
Representative of the Estate of Frederick R.  
Fransham, Deceased; et al.,

Defendants.

CASE NO. C07-535RSM

ORDER GRANTING MOTION FOR  
SUMMARY JUDGMENT

This matter is now before the Court for consideration of plaintiff's motion for summary judgment in this action for a declaratory judgment. Dkt. #17. The motion was noted for October 19, 2007, and defendants have failed to respond to the motion in any way. Pursuant to Local Rule 7(b)(2), the Court may deem defendants' failure to oppose the motion as an admission that plaintiff's motion has merit.

The Court has reviewed plaintiff's memorandum, and has considered the applicable law, and finds that plaintiff is entitled to summary judgment. The unambiguous language of the policy issued by plaintiff to the decedent, Frederick R. Fransham, excludes coverage for intentional (and wrongful) acts such as the discharge of firearms that occurred here. *See, Safeco v. Butler*, 118 Wash. 2d 383 (1992).

Accordingly, plaintiff's motion for summary judgment is GRANTED. The Court hereby declares

ORDER GRANTING MOTION FOR  
SUMMARY JUDGMENT - 1

1 that plaintiff is not obligated to provide coverage for, or a defense to, defendant Frederick Jason Fransham  
2 for any claims arising out of the lawsuit filed by defendants Anatoliy and Lyudmila Butok against Mr.  
3 Fransham in his capacity as Personal Representative of the Estate of Frederick R. Fransham, Deceased,  
4 Snohomish County Superior Court Cause No. 07-2-02025-8.

5 The Clerk shall enter judgment in favor of plaintiff Allstate Insurance Company in this matter, and  
6 close the file.

7 Dated this 7<sup>th</sup> day of November, 2007.



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9 RICARDO S. MARTINEZ  
10 UNITED STATES DISTRICT JUDGE  
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